

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 17, 2012

The Honorable Stan Heffner
State Superintendent of Public Instruction
Ohio Department of Education
25 South Front Street
Columbus, Ohio 43215

Dear Superintendent Heffner:

Thank you for submitting Ohio's request for ESEA flexibility. We appreciate the hard work required to transition to college- and career-ready standards and assessments; develop a system of differentiated recognition, accountability, and support; and evaluate and support teacher and leader effectiveness. The U.S. Department of Education (Department) is encouraged that Ohio and many other States are designing plans to increase the quality of instruction and improve student academic achievement.

As you know, Ohio's request was reviewed by a panel of six peer reviewers during the week of March 26–30, 2012. During the review, the expert peers considered each component of Ohio's request and provided comments in the form of Peer Panel Notes that the Secretary will use to inform any revisions to your request that may be needed to meet the principles of ESEA flexibility. The Peer Panel Notes, a copy of which is enclosed with this letter, also provide feedback on the strengths of Ohio's request and areas that would benefit from further development. Department staff also have carefully reviewed Ohio's request, taking into account the Peer Panel Notes, to determine consistency with the ESEA flexibility principles.

The peers noted, and we agree, that Ohio's request was particularly strong in providing empirical evidence for its proposed accountability system and in demonstrating how it would identify schools with persistently low-performance or large achievement gaps. In addition, peers felt that Ohio has a strong foundation in developing and implementing teacher and principal evaluation and support systems.

At the same time, based on the peer reviewers' comments and our review of the materials Ohio has provided to date, we have identified certain components of your request that need further clarification, additional development or revision. In particular, significant concerns were identified with respect to the following:

www.ed.gov

400 MARYLAND AVE., SW, WASHINGTON, DC 20202

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

- The need for additional detail on Ohio's plans to serve all students, including English Learners and students with disabilities, in transitioning to college- and career-ready standards;
- The need for greater detail on how Ohio will support priority and focus schools and will have rigorous exit criteria to ensure they are making significant progress in improving student achievement; and
- The need for greater clarity as to how Ohio's initiatives to support struggling schools and LEAs fit together into a coherent plan.

The enclosed list provides details regarding these concerns, as well as other key issues raised in the review of Ohio's request, that we believe must be addressed before the Secretary can approve your request for ESEA flexibility. We encourage Ohio to consider the all of the peers' comments and technical assistance suggestions in making revisions to its request, but we encourage you to focus primarily on addressing the concerns identified on the enclosed list.

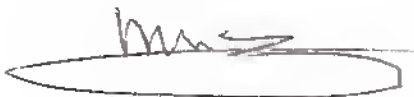
Additionally, Ohio has requested the following additional waiver in its ESEA flexibility request that is not among the waivers that comprise ESEA flexibility: exempting English Learners in their first two years of enrollment in U.S. schools from the reading/ language arts content assessment. Please note that, although this additional waiver request is not addressed in this letter, we will follow up with your staff in the coming days about the process for consideration of this request.

Although the Peer Panel Notes for Ohio provide information specific to your request, Ohio also may benefit from comments and technical assistance suggestions made by other peer panels regarding issues common to multiple State educational agencies' (SEA) requests. For this reason, Department staff will reach out to Ohio to provide relevant technical assistance suggestions and other considerations that may be useful as you revise and refine your request.

We remain committed to working with Ohio to meet the principles of ESEA flexibility and improve outcomes for all students. We stand ready to work with Ohio as quickly as possible. In order to ensure prompt consideration of revisions or additional materials, we are asking SEAs to submit those materials by May 1, 2012. Department staff will be in touch to set up a call as early as this week to discuss the timeline and process for providing revisions or materials.

You and your team deserve great credit for your efforts thus far, and we are confident that we will be able to work together to address outstanding concerns. If you have any additional questions or want to request technical assistance, please do not hesitate to contact Sharon Hall, at 202-260-0998.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Michael Yudin', is written over a large, light-colored oval shape that serves as a background or placeholder.

Michael Yudin
Acting Assistant Secretary

Enclosure

SUMMARY OF ADDITIONAL INFORMATION REGARDING OHIO'S ESEA FLEXIBILITY REQUEST

CONSULTATION

- Please provide more specific information on the steps Ohio took to meaningfully engage diverse stakeholders and communities, particularly those representing English Learners and students with disabilities, or describe how Ohio will meaningfully engage diverse communities as it continues to develop and implement ESEA flexibility. *See Consultation Question 2.*

PRINCIPLE 1: COLLEGE- AND CAREER-READY EXPECTATIONS FOR ALL STUDENTS

- Please provide additional detail on Ohio's plan to support teachers of English Learners and students with disabilities as it transitions all students to college- and career-ready standards. *See 1.B.*
- Please describe Ohio's plan for students with disabilities who may be eligible to participate in the alternate assessment based on modified academic achievement standards that is currently being developed in Ohio, to continue to participate in the State's general high-quality assessments by 2014–15. *See 1.B.*

PRINCIPLE 2: STATE-DEVELOPED DIFFERENTIATED RECOGNITION, ACCOUNTABILITY, AND SUPPORT

- Please address concerns regarding Ohio's proposed accountability system:
 - Please address the concern that graduation rate does not constitute a significant factor in the accountability system for all secondary schools. *See 2.A.i.*
 - Please clarify how a school without a grade in all four measures (for example, high schools on the value-added measure) earns an overall cumulative letter grade designation. *See 2.A.i.*
 - Please clarify whether all ESEA subgroups will be included in the Achievement and Graduation Gap measure and whether Ohio will continue to report the performance of all ESEA subgroups. *See 2.A.i.*
- Please address concerns regarding reward schools:
 - Please further describe the tangible rewards that Ohio will provide to reward schools, such as bonuses, grants, or increased autonomy, to ensure that they are meaningful. *See 2.C.iii.*
- Please address concerns regarding priority schools:
 - Please provide additional information on Ohio's plans for supporting and monitoring implementation of the proposed interventions in priority schools. *See 2.D.iii.*
 - Please provide additional information on Ohio's timeline for intervening in priority schools, such that all LEAs with one or more priority schools will implement, for at least three years, meaningful interventions aligned with all of the turnaround principles in each priority school starting no later than the 2014–2015 school year. *See 2.D.iv.*
 - Please strengthen Ohio's proposed exit criteria for priority schools to ensure that they will result in significant progress in improving student achievement and narrowing achievement gaps. *See 2.D.v.*

- Describe the steps Ohio will take to ensure meaningful consequences for priority schools that do not make progress after full implementation of interventions. *See 2.D.iii.b.*
- Please address concerns regarding focus schools:
 - Please provide examples of interventions in focus schools, including how they will address the needs of students and improve the performance of low-performing students, including English learners and students with disabilities. *See 2.E.ii.*
 - Please demonstrate Ohio's ability to ensure that all LEAs with one or more focus schools will implement meaningful interventions that are based on the needs of the school and its students in each focus school starting in the 2012–2013 school year. *See 2.E.iii.*
 - Please strengthen Ohio's proposed exit criteria for focus schools to ensure that they will result in significant progress in improving student achievement and narrowing achievement gaps. Please also demonstrate that a school may not exit focus status without making significant progress in improving student achievement and narrowing achievement gaps for the subgroup(s) of students for which the school was identified. *See 2.E.iv.*
 - Describe the steps Ohio will take to ensure meaningful consequences for priority and focus schools that do not make progress after full implementation of interventions. *See 2.E.iv.*
- Please address concerns regarding the system of supports and incentives for other Title I schools:
 - Please demonstrate that Ohio's new AMOs, along with other measures, are used to identify other Title I schools that are not making progress in improving student achievement and closing achievement gaps, and to provide incentives and supports for those schools. *See 2.F.i.*
 - Provide more detail on supports and interventions proposed for other Title I schools not meeting AMOs. *See 2.F.i.*
 - Provide more detail regarding the instructional practices that will be employed to address the needs of English Learners and students with disabilities in other Title I schools. *See 2.F.ii.*
- Please address concerns regarding Ohio's requirement for supplemental educational services (SES) in priority schools:
 - Provide Ohio's rationale for continuing to require SES for LEAs with priority schools and explain how that requirement is responsive to the needs of students in those schools. *See 2.G.*
 - Describe how Ohio's process for approving SES providers takes into account the performance of the providers, including both their quality and prices, and how the process ensures that parents have access to high-quality options, including for English Learners and students with disabilities. *See 2.G.*
 - Clarify that LEAs, non-profit entities, and private entities are eligible to be included on the State list of approved SES providers and that all providers are held to the same standards. *See 2.G.*
 - Describe how Ohio will provide access to transparent information on the quality of approved SES providers to LEAs, parents, and community members. *See 2.G.*
- Please address concerns regarding SEA, LEA, and school capacity to improve student learning:
 - Please explain how Ohio's services and supports for LEAs fit together in a comprehensive manner to improve student learning in all schools and, in particular, low-performing schools

- and schools with the largest achievement gaps. *See 2.G.i.*
- Please describe whether Ohio will leverage funds that LEAs were previously required to reserve under ESEA section 1116(b)(10) to support the implementation of interventions in priority schools, focus schools, and other Title I schools identified under Ohio's differentiated recognition, accountability, and support system. *See 2.G.ii.*

PRINCIPLE 3: SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP

- Please clarify to what extent student data concerning students with disabilities and English Learners will be included in Ohio's teacher and principal evaluation and support systems. *See 3.A.ii.*
- Please discuss how Ohio plans to ensure inter-rater reliability in its evaluation and support systems. *See 3.B.*
- Please explain how Ohio plans to work with teachers and administrators, or as appropriate, their designated representatives, in order to ensure each LEA develops, adopts, pilots, and implements evaluation and support systems. *See 3.B.*